

Indian Land Working Group
25th Annual Indian Land Consolidation Symposium
Land Buy-Back Program for Tribal Nations
John McClanahan, Program Manager
October 7, 2015



www.doi.gov/buybackprogram

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Background

Program priorities and phases

Accomplishments

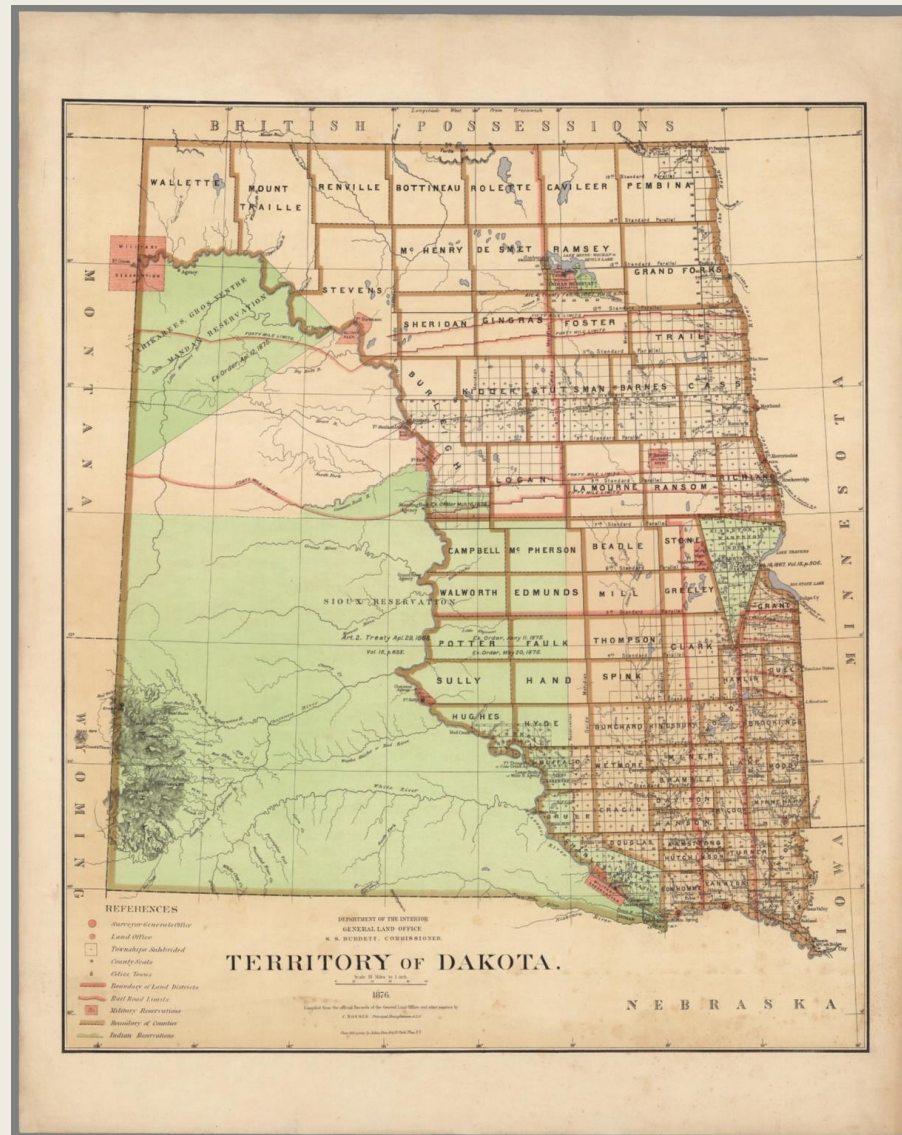
Next steps

Helen Mitchell Sanders



John Belindo, Georgeann Robinson, Alvina Greybear, Helen Mitchell, Commissioner of Indian Affairs Robert L. Bennett, Vice President Hubert Humphrey, Miss Indian America Sarah Ann Johnson, Secretary of the Interior Stewart Udall, and President of the National Congress of American Indians Wendell Chino.

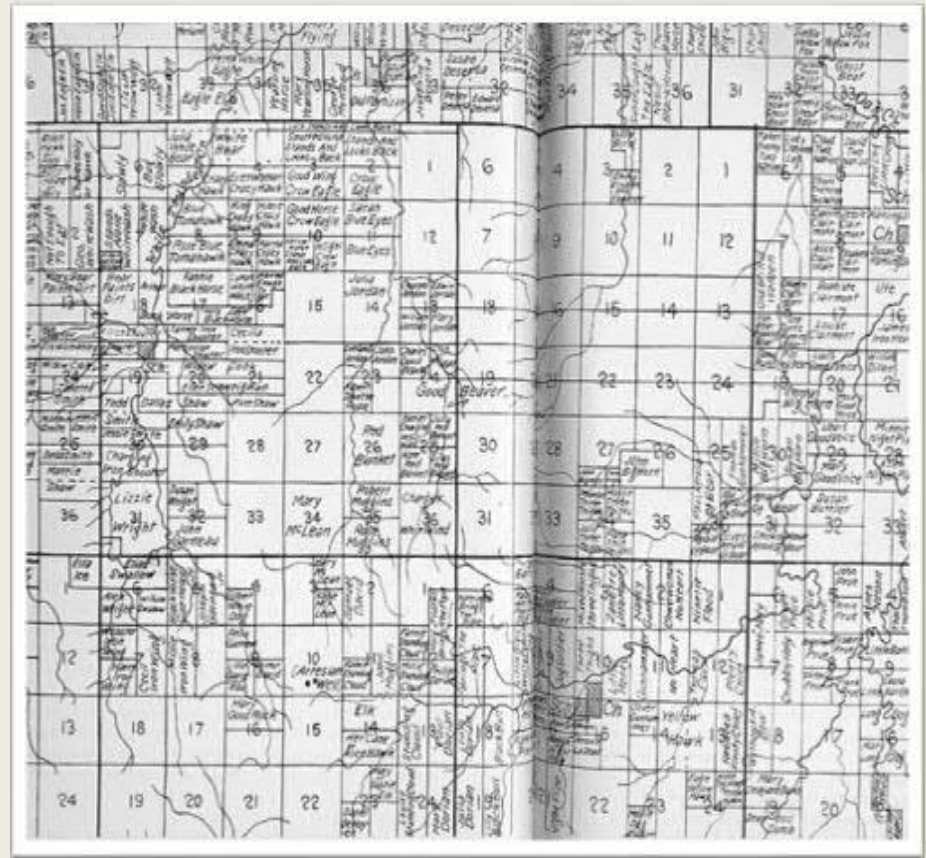
Before allotment - 1876



Fractionation: The result of allotment

The Dawes Act (General Allotment Act of 1887)

- Authorized the President of the United States to survey Indian tribal land and divide it into allotments for individual Indians
- Indian Reorganization Act of 1934 ended allotment
- Effects of this policy can still be felt today in the resulting fractionation of trust land

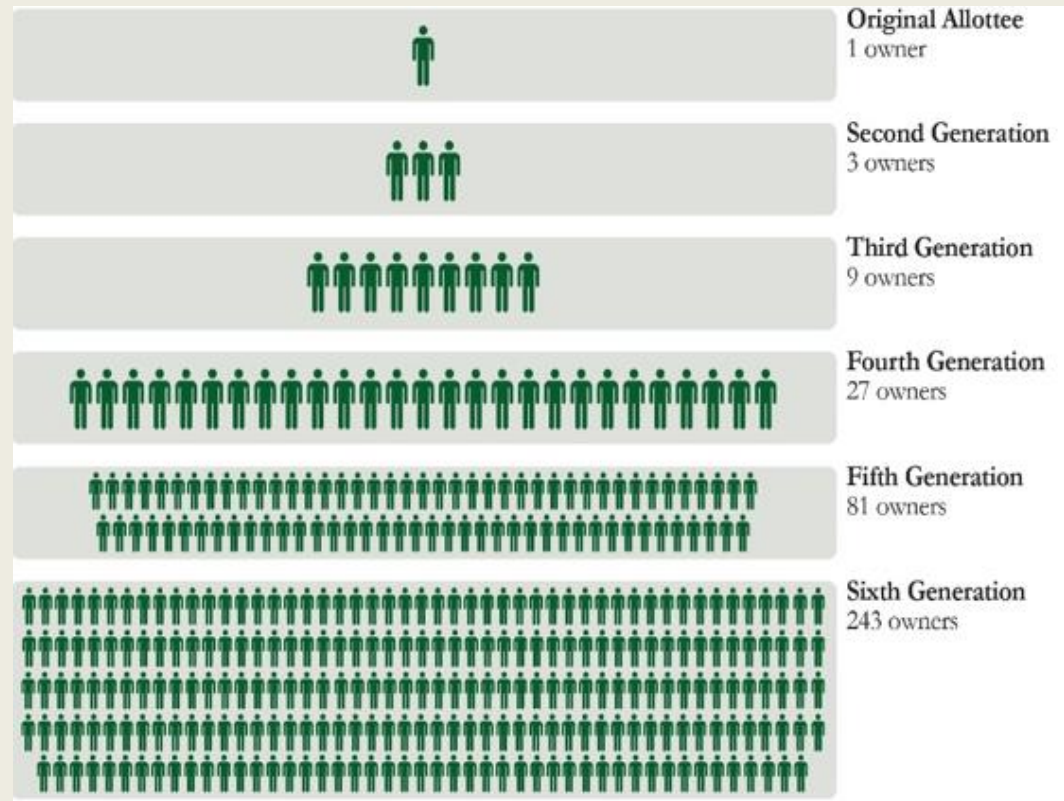


Indian Allotments on the Rosebud Reservation, 1903
(from the Records of the Bureau of Indian Affairs, National Archives)

Fractionation:

A serious problem facing tribal communities

- As tracts (or allotments) of lands are passed down through generations, they gain more and more individual owners
- Because the number of owners make it difficult to use the land, these allotments often lie idle and cannot be used for any beneficial purpose



Fractionation of a possible allotment of land over six generations, assuming only three heirs per generation.

What is the Buy-Back Program?

Created to implement the **land consolidation** component of the **Cobell Settlement Agreement** (Settlement).

The Settlement provided a **\$1.9 billion fund** to purchase:

- fractional interests
- in trust or restricted land
- at fair market value
- from willing sellers
- within a 10-year period

Keeps land in trust - purchased interests are immediately held in trust for the recognized tribe that exercises jurisdiction over the land.



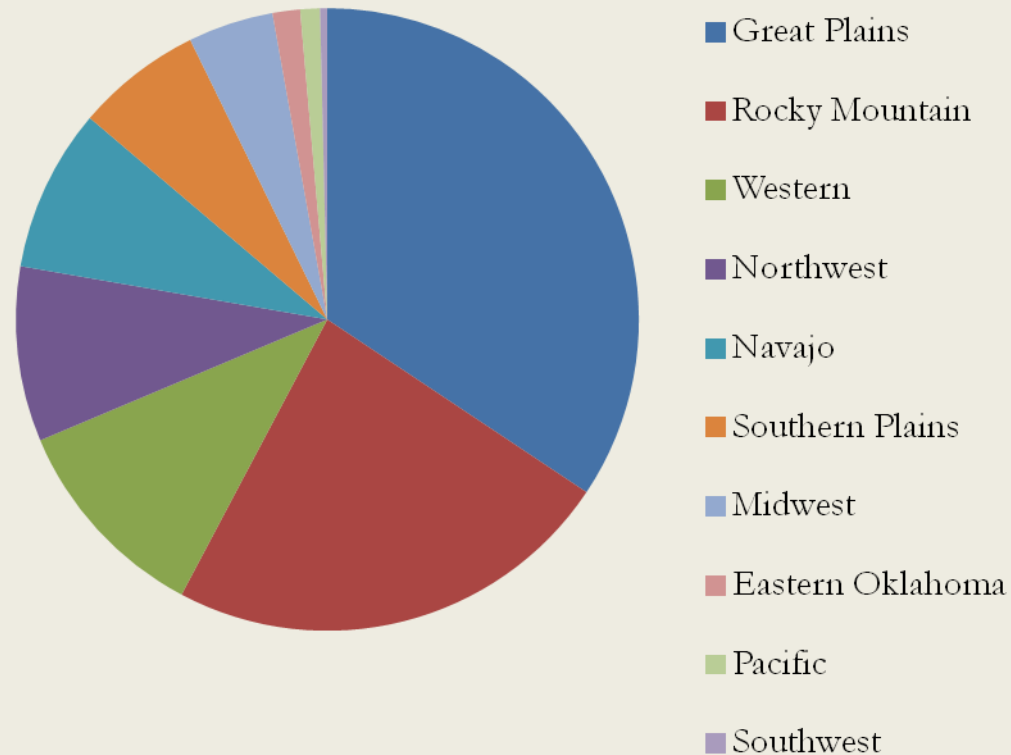
President Barack Obama with the late American Indian Leader Elouise Cobell

What lands are involved in the Program?

- The Department of Interior (Interior) holds in trust more than **56 million acres** for tribes and individual American Indians
- This land is held in more than 200,000 tracts, of which **about 93,500** contain fractional ownership, involving approximately **150 reservations**
- Approximately **245,000 unique owners** spread across the U.S.
- Approximately **90%** of the fractionated lands available to purchase are in **40** of the 150 locations

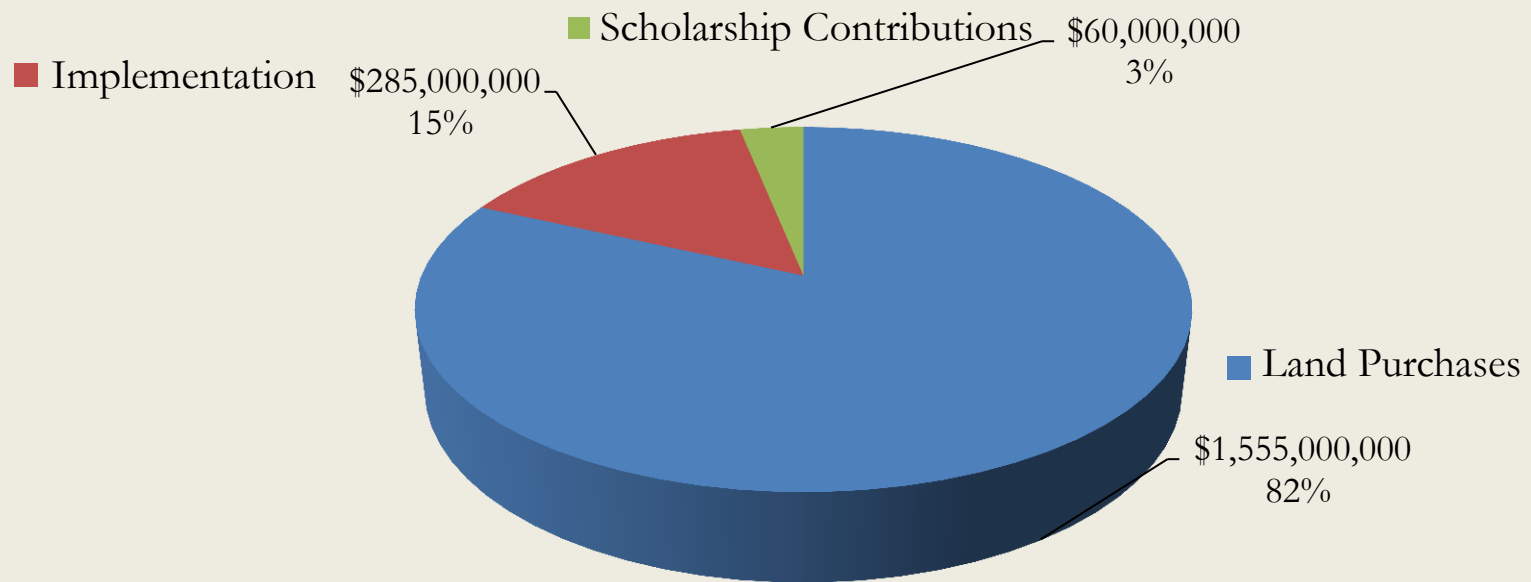
Fractional Interests by Region

Total: 2,971,612



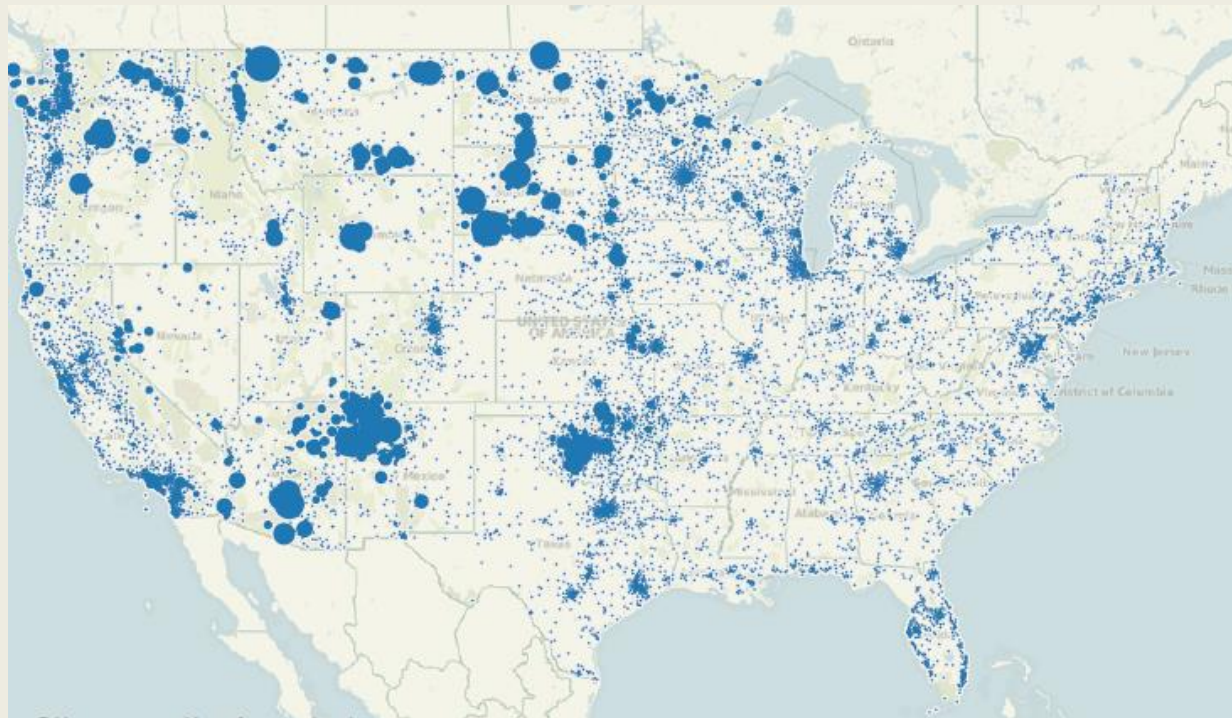
What are the components of Trust Land Consolidation Fund?

Acquiring fractional interests (min. available for payment to owners)	\$1,555,000,000
Implementation/administrative costs (capped at 15 percent)	285,000,000
Scholarship Fund (max. available, keyed to interests sold)	<u>60,000,000</u>
Total	\$1,900,000,000



What are the Program priorities?

1. **Individuals.** Promoting landowner awareness and education to facilitate informed landowner decision making. Maximizing landowner opportunities to participate.
2. **Tribes.** Strengthening partnerships and respecting and upholding tribal sovereignty. Tailoring the effort to each location based on tribal involvement and priorities.



Location of owners with fractional interests

What are the major phases of the Program?

Outreach to Tribal Leaders

Tribal relations team holds meetings with tribe and consults directly with the tribe to ascertain priorities for acquisition.

Outreach to Landowners

Program and tribes inform individual landowners of the opportunity to sell interests (intense outreach **6-9 months** before/after mailing offers).

**Land
Research**
(1-3 months)

Valuation (3-12 months)

Acquisition (3-6 months)



Approximately **12-18 months** per Location



Outreach – Informed Decision Making

- Inform landowners about the American Indian Probate Reform Act (AIPRA) and Buy-Back Program, answer questions, and promote informed decision making through:
 - Website: www.doi.gov/buybackprogram
 - TV, radio, print, and digital advertisements
 - Postcards
 - The Office of the Special Trustee for American Indians (OST) field offices
 - Bureau of Indian Affairs (BIA) agency offices
 - Tribal Land Buy-Back/outreach staff
 - Events
- Identify willing sellers
- Collaborate with tribes via cooperative agreements to implement culturally-specific approaches



Sample postcard

Land Research

- Bureau of Land Management (BLM) maps land/allotment legal descriptions from the Trust Asset and Accounting Management System (TAAMS) on top of the survey based, digital representation of the BLM Public Land Survey System (PLSS)
- The Office of Valuation Services, Division of Minerals Evaluations (DME) reviews identified parcels for mineral potential, and categorizes these parcels in three stages:
 - **Stage 1: Have minerals with no present economic value**
 - **Stage 2: Have minerals with potential for economic value** and need further analysis to establish value
 - **Stage 3: Have minerals with demonstrated economic value** and need further analysis to establish current value


Note: The Program does not make offers for interests on tracts identified as Stage 2 or Stage 3

Land Valuation

- The Office of the Special Trustee for American Indians, Office of Appraisal Services (OAS) is responsible for appraising tracts of land and incorporating any contributory value from timber and mineral estates
- All appraisal methods used by Interior conform to the Uniform Standards of Professional Appraisal Practice (USPAP)
- OAS uses three types of appraisals:
 - **Mass appraisal** involves the analyses of a significant number of actual sales in the area for the purpose of determining market-based adjustments that can then be used to appraise large numbers of similar properties
 - **Project appraisal reports** involve appraising multiple parcels at the same time, and may be used in areas where there is limited sales data available and mass appraisals are not appropriate
 - **Individual site-specific appraisals** are used when the volume of appraisals does not justify mass appraisal techniques, or when dealing with unique property types
- DME values mineral interests and the BIA and “638” compacting/contracting tribes provide timber values

Land Acquisition

- BIA mails a purchase offer package to Eligible Landowners, includes a cover letter, instructions, deed, inventory, and maps

 **United States Department of the Interior**
Land Buy Back Program for Tribal Nations
BUREAU OF INDIAN AFFAIRS

02/05/2015

TRIBAL NATIONS

In Reply Refer To: 344U000000
Grantor Identification Number

JOHN DOE
P.O. BOX 000
WOUNDED KNEE, SD 57794

Dear JOHN DOE:

We are pleased to include you in the Land Buy-Back Program for Tribal Nations (Buy-Back Program), which is part of Class Action Settlement Agreement often referred to as the Cobelli Settlement. The intent of the Buy-Back Program is to consolidate highly fractionated tracts of Indian land, allowing for better utilization of the land for social, economic, or cultural purposes benefiting the tribal community. Interests purchased under the Buy-Back Program will be transferred to the Tribe in trust.

Offer Amount: This package is an offer to purchase your ownership interests in certain fractionated trust or restricted Indian lands. The offer includes fractional ownership interests with their corresponding Fair Market Value, and is non-negotiable. Please note that this offer may not include all of your ownership interests, as not all Indian trust or restricted lands have been valued or identified as eligible for purchase under the Buy-Back Program. You may choose to sell some, all, or none of your interests included in this offer. If you choose to sell all of your listed interests, you will be paid \$6,957.57. An additional base payment of \$75.00 will be included with final payment if you sell any or all interests included in the offer. You will no longer receive lease revenues or other benefits derived from those interests you sell.

Voluntary and Time-Limited Program: Participation in the Buy-Back Program is voluntary; if you are not interested in selling your fractional ownership interests, please disregard this letter and enclosures. However, if you are interested, this offer is active for 45 calendar days from the date of this letter. You must return your completed documents on or before 03/23/2015. If you do not, the Buy-Back Program will not be able to purchase your interests and you might not receive another offer due to limited funding.

Taxation and Other Benefits: Payment for any ownership interests you choose to sell will be deposited into your Individual Indian Money (IIM) account after we approve the sale. Under the Claims Resolution Act of 2010, Pub. L. No. 111-391, Section 1010(f), this payment is considered tax exempt. Also, for a one year period starting on the date you receive payment, the payment will not impact benefits you receive or are eligible to receive under any federal or federally-assisted program. If you receive non-federal benefits, contact the providing office to see if your benefits could be impacted by the payment. Be sure to make the office aware of the Claims Resolution Act of 2010, or provide a copy of this letter.

Package Contents: Enclosed you will find Instructions for completing the required documents, a one-page Deed, an Inventory of your interests eligible for sale, Maps showing the general location of the tracts of land in which you own an interest, and a Business Reply Mail Envelope for returning your completed documents. Please read the instructions carefully before filling out your documents.

For more information visit www.doi.gov/buybackprogram

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Instructions

Please read all of these instructions carefully before completing any of the enclosed documents.

- Review the enclosed documents, including:
 - Deeds:** The Deed must reflect your legal name, correct ID number and date of birth, and your current mailing address. If any of this information is incorrect, **DO NOT complete and return your documents.** Instead, contact the Trust Beneficiary Call Center (Call Center) at 1-888-678-6836 or your local OSI office to update the information and obtain new documents. If your name has recently changed, be prepared to provide documentation to the Call Center, such as a marriage certificate or divorce decree.
 - Exhibit A-Purchasable Interests Inventory (Inventory):** The Inventory lists the interests you own in trust or restricted land which the Buy-Back Program is offering to purchase, and the Fair Market Value of each interest. There are two parts to the Inventory: a SUMMARY and corresponding DETAIL page(s). Select the interests you wish to sell on the SUMMARY as explained below. A legal description of each tract and additional information you may find useful is provided on the DETAIL page(s). Use the "Item" number for cross reference between the two parts of the Inventory.
 - Map(s):** Showing the general location of the tracts of land in which you own an interest.
 - Business Reply Mail Envelope:** Allows you to return your completed documents free of charge.
- If you want to sell some but not all of your listed interests, select the interest(s) you wish to sell by filling in the bubble (C) next to the item number on the SUMMARY part of the Inventory. You must use black or blue ink and fill in the bubble(s) completely. Example: ●
- If you want to sell all of your listed interests, fill in the bubble at the top next to "Sell All Tracts Listed Below." You do not need to fill in the rest of the bubbles.
- After you have selected the interest(s) you wish to sell, take the Inventory and the Deed to a Notary Public. You must sign the Deed in front of a Notary Public. Be prepared to provide legal identification such as your Driver's License or other Federal, State, or Tribal identification.
- DO NOT make handwritten corrections, use white-out, or place any other marks on the Inventory or Deed.** If you make a mistake on or misplace your documents, or if your personal information is incorrect on the Deed, contact the Call Center or visit your local OSI or BIA office to obtain replacement documents. Any alterations you make to the Inventory or Deed will result in delay and may prevent us from processing your sale. If you make alterations that prevent processing, you might not have another opportunity to sell your interests under the Buy-Back Program.
- Return the original signed and notarized Deed and all pages of the Inventory in the enclosed Business Reply Envelope no later than the date provided in your cover letter. Copies cannot be accepted. You may wish to make a copy of the documents for your records. If you return copies or miss the return deadline, we may not be able to process your sale and you might not have another opportunity to sell your interests under the Buy-Back Program. **DO NOT include any additional notes, letters, or documents with your Deed and Inventory; this will delay or prevent processing.**
- Please remember that it is your choice whether to participate in the Buy-Back Program. Be sure of your decision and use great care in completing your documents before returning them. Once the sale is processed and title transfers to the Tribe, it cannot be reversed.

Have Questions? Need More Information? Call 1-888-678-6836 or visit www.doi.gov/buybackprogram

Land Buy Back Program for Tribal Nations

Office No: 100
Deed ID: 344-00000001

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS**

DEED TO INDIAN LAND

THIS DEED is entered into by and between JOHN DOE, Identification No: 344U000000, DOB: 00/00/0000, residing at PO BOX 000, WOUNDED KNEE, SD 57794, referred to herein as Grantor, and the United States of America in Trust for the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota (344), referred to herein as Grantee.

The Grantor, for and in consideration for the dollar amount(s) shown on the attached Exhibit A, sells and conveys unto the Grantee the interests in real estate, excluding improvements, shown on the attached Exhibit A, under the jurisdiction of 344 - PINE RIDGE, to have and to hold said interests unto the Grantee United States of America in Trust for the OGLALA SIOUX TRIBE forever. The Grantee accepts said interests subject to existing encumbrances.

This conveyance is made pursuant to the provisions of the Indian Land Consolidation Act Amendments of 2000, Public Law 106-462, as amended by the American Indian Probate Reform Act of 2004, Public Law 108-374, and the Claims Resolution Act of 2010, Public Law 111-291.

Grantor and his or her heirs, executors, and administrators, hereby agree that he or she will forever warrant and defend the title of the Grantee in said premises against the claim of all persons, claiming or to claim by, through or under him or her only.

JOHN DOE (SEAL)

ACKNOWLEDGEMENT

STATE OF _____ COUNTY OF _____

BE IT REMEMBERED, That on this _____ day of _____, 20____,

before the undersigned, a Notary Public in and for the County and State aforesaid,

personally appeared JOHN DOE


to me personally known to be the identical person who executed the within instrument of writing, and such person duly acknowledges the execution of the same and acknowledges the execution of the same as his or her free and voluntary act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on day and year hereinafter written.

(Notary Seal Here) _____ Notary Public

My Commission Expires: _____

FOR OFFICIAL USE ONLY: Any person who, knowingly and willfully, uses any false writing, makes any materially false statement, fraudulent representation, covers up a material fact, or commits fraud, is subject to federal prosecution, fines and no more than five years imprisonment as provided in 18 USC § 1001.

 344U000000001-344U00000001-1-1-071-24-6-0003

Note: Not all landowners will receive a purchase offer package

Accomplishments (as of September 30, 2015 unless otherwise noted)

Consolidated land

- Sent offers to landowners at 18 locations
- More than \$691 million in land sales (payments to individuals)
- Consolidated more than 1.4 million acres of fractionated land
- Purchased 378,300 interests on over 26,000 tracts
- Nearly 9,000 tracts have reached at least 50% tribal ownership (as of 8/31/15)

Managed implementation costs

- Expended 12% of the \$285 million authorized for implementation costs

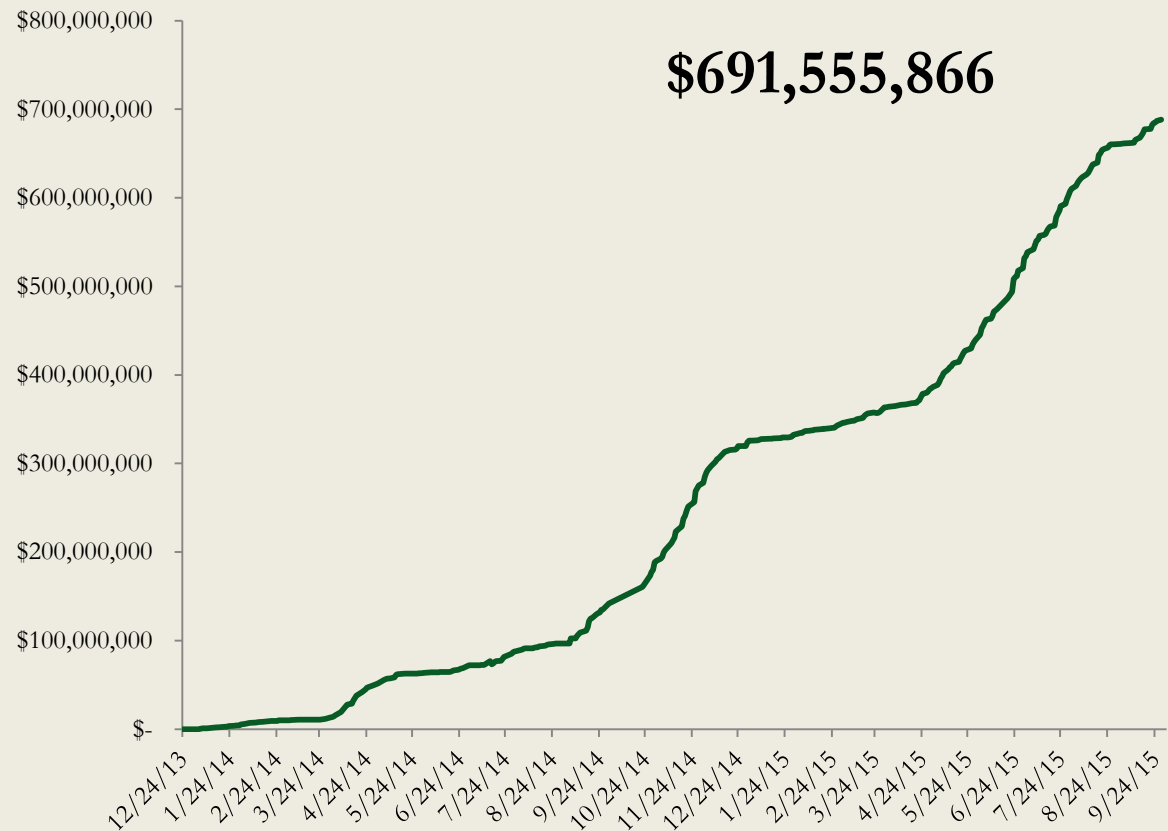
Contributed to Scholarship Fund

- Transferred nearly \$30 million thus far

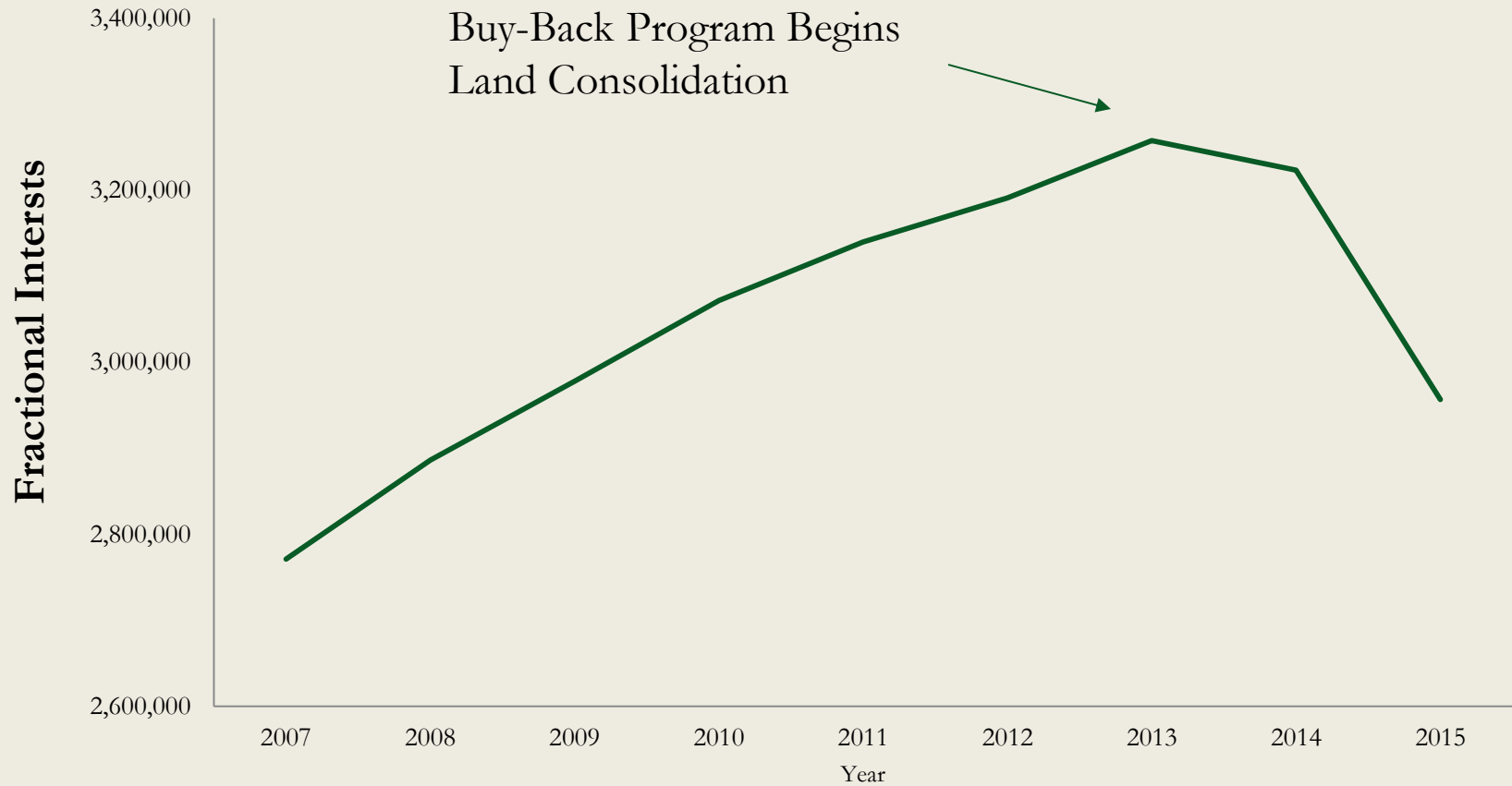
Accomplishments: Sales to date (as of September 30, 2015 unless otherwise noted)

Total payments to individuals

	Total
Unique individuals receiving offers	66,316
Land consolidated	1,423,033 equivalent acres
Total value of offers mailed	\$1,753,416,188
\$ Amount of offers accepted	\$691,555,866

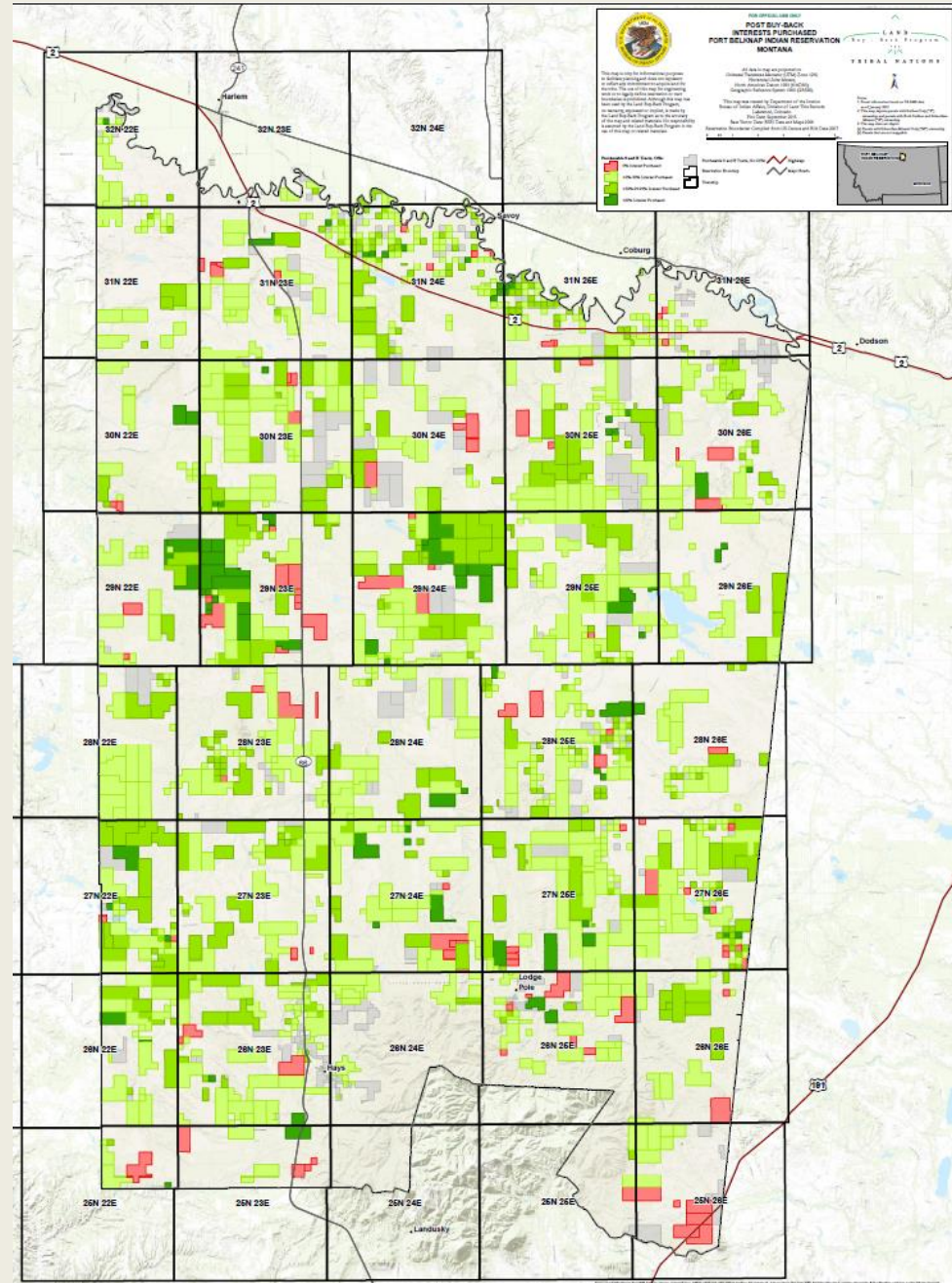


Accomplishments: Reducing Fractional Interests



Buy-Back Increases in Ownership at Ft. Belknap

Nearly **200,000** Equivalent
Acres in Tribal Trust
Ownership
(surface, mineral, and both)



Accomplishments

Location	Sales (as of 9/30/15)
Pine Ridge Reservation (Oglala Sioux)	\$110,058,638
Rosebud Indian Reservation	\$23,596,950
Makah Indian Reservation	\$975,150
Fort Belknap Reservation of Montana	\$60,519,315
Quapaw Reservation	\$27,799
Gila River Indian Reservation	\$51,456,006
Northern Cheyenne Indian Reservation	\$9,866,839
Flathead Reservation (Confederated Salish and Kootenai Tribes)	\$5,985,395
Umatilla Indian Reservation	\$9,803,614
Crow Reservation	\$130,477,270
Lake Traverse Reservation (Sisseton Wahpeton Oyate)	\$31,622,761
Squaxin Island Reservation	\$725,972
Coeur d'Alene Reservation	\$5,207,475
Salt River Reservation	\$16,292,023
Cheyenne River Reservation	\$78,136,104
Standing Rock Sioux Reservation	\$97,824,909
Prairie Band Potawatomi Reservation	\$5,155,138
Fort Peck Indian Reservation (Assiniboine and Sioux)	\$53,824,505

Accomplishments

Location	Agreement or other arrangement (Y/N)	Sales
Lummi Reservation	Y	TBD
Swinomish Indian Reservation	Y	TBD
Quinault Indian Reservation	Y	TBD
Fond du Lac Reservation	Y	TBD
Navajo Reservation	Y	TBD
The Osage Nation	Y	TBD
Cabazon Indian Reservation	Y	TBD
Fort Hall Reservation	Y	TBD
Ponca Tribe of Indians of Oklahoma	Y	TBD

Next Steps: What landowners can do to prepare

- Update address and information by calling the Call Center at:
 - 1-(888)-678-6836
- Explore Buy-Back Program's website (www.doi.gov/buybackprogram)
- Understand fractionation and AIPRA
 - Information on Buy-Back Program website (<https://www.doi.gov/buybackprogram/landowners/>)
 - Information on OST's website (<https://www.doi.gov/ost/>)
- Visit your local OST office
- Consider financial implications of land consolidation
- Obtain details about your land

Next Steps: How landowners can understand their land

- Review Quarterly Statement of Performance
 - Ownership percentage and income production
- Study Individual Trust Interest (ITI) Report
 - Location of land, tract ID information, and land's estimated value
 - Obtain from OST field offices, BIA realty, or some tribal realty offices
- Research land on BLM site (<http://www.glorerecords.blm.gov/search/>)
 - Locate original allotment documents using ITI tract legal description

IF YOU HAVE ANY QUESTIONS,
PLEASE CALL 888-678-6836
TRUST BENEFICIARY CALL CENTER
HOURS OF OPERATION:
MONDAY - FRIDAY: 7:00 A.M. - 6:00 P.M. (MT)
SATURDAY: 8:00 A.M. - NOON (MT)



INDIVIDUAL INDIAN MONEY STATEMENT OF PERFORMANCE

|||||

John Doe
10 Downing St.
England, ND 58910

ACCOUNT OF JOHN DOE
XXXXXXXX1234

TRANSACTION ACTIVITY FOR ACCOUNTING PERIOD : 4/01/10 THROUGH 6/30/10

DATE	TRANSACTION DESCRIPTION	CASH
	BEGINNING BALANCES	0.00
04/12/10	CASH RECEIPT FARM PASTURE B B 12 345 56789101112 AU 20060423 AB12C123456, DOCUMENT ID: 123 123456789 TRACT ID: 111 2222 RECEIVED FROM: FARMER McDONALD INVOICE #: 1000 PAYMENT DUE: 05/01/10 OWNERSHIP: 0.3000000000	100.00
04/23/10	CASH RECEIPT OIL & GAS BONUS X X 12 345 6789101112 AU 20060430 XX12X345678, DOCUMENT ID: 234 567891011 TRACT ID: 123 4567 RECEIVED FROM: FAUX OIL COMPANY INVOICE #: 0100 PAYMENT DUE: 05/01/10 OWNERSHIP: 0.5200000000	214.36

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT PRIVATE CLAIMS
General Land Office Records

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Search

Location
State: ALABAMA
County: Any County

Names
Last Name:
First Name:
Middle Name:
☒ search patentees ☒ search warrantees

Land Description
Township: /
Range: /
Meridian: Any Meridian
Section #:

Miscellaneous
Land Office: Any Land Office
Document #:
Indian Allot #:
Survey #:
Authority: Any Authority

Issue Date: to
Militia:
Tribe: Any Tribe
Geo. Name/
Mining Claim:

To search for land patents:
1. Start by selecting the State.
2. You do not have to fill in all fields, but provide at least one additional field.
3. Click the Search Patents button.

Search Tips:
• Hover your mouse over a field to get a brief description.
• Get detailed information by checking the [Glossary](#) in the Reference Center.
• For more tips and help, check out our [Patent Search Overview](#).

Search Patents

Note: This site does not cover every state, but we do have [resource links](#) for most states.

ITI

<https://www.iltf.org/resources/sample-form/individual-trust-interest-report>

REPORT-ID: TAO09IR
REQUESTOR: JDOE

BUREAU OF INDIAN AFFAIRS
INVENTORY OF DESCENDENTS REPORT
ALL TITLE HOLDINGS

PAGE: 1
DATE: 04/25/2010
CST TIME: 03:24 PM

-----OWNER-----
BIRTHDATE:05/24/1954 DEATHDATE: 00/00/0000

TRB CL NUMBER
123 U 456789

-----NAMES OR ALIASES-----
LAST NAME FIRST NAME MIDDLE NAME
BLACK BEAR JOE E

-----TRACT ID----- TITLE
LAC PFX NUMBER SFX PLANT LAND AREA RESOURCES -----DATE OF LAST-----
EXAMINATION/VERIFICATION
344 920 -C ABERDEEN PINE RIDGE Surface 08/30/2000 00/00/0000

RICHARD BLACK BEAR
** ORIGINAL ALLOTTEE **

SEC TOWNSHIP RANGE COUNTY ST MERIDIAN LEGAL DESCRIPTION SECTION CUM
COUNTY SECTION
ACRES ACRES
25 044.00N 038.00W SHANNON SD Sixth Principal SE 160.000 160.000
TOTAL SECTION ACRES: 160.000 160.000

---OWNER--- ---DOCUMENT--- NAME IN WHICH ACQUIRED FRACTION OF TRACT TOTAL ESTIMATED
TYP OT INT CLS TYP NUMBER (SURNAME/FIRST NAME) (+/-)AS ACQUIRED VALUE
I T A 11 IT BI554C971 BLACK BEAR 1
90

OWNER ID _____ OF THE PERSON THEY RECEIVED FROM

\$10,043.00

INDIVIDUAL SHARE AGGREGATE SHARE AGGREGATE
MONETARY VALUE CONVERTED TO LCD DECIMAL
\$ 111.59 90 .011111111

REPORT CONT....

Next Steps: Program implementation

Approaching due dates

- Flathead Reservation (October 9)
- Fort Peck Reservation (October 16)
- Standing Rock Sioux Reservation (November 15)

Continue implementation efforts

The Program's FY2014 Status Report identifies 42 locations for implementation activities

- 83% of outstanding fractional interests
- 67% of eligible landowners
- 16 of the 19 states with fractional interests

Implementation Schedule – Through Middle 2017

In November 2014, the Program added 21 additional locations for implementation activities.

- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Arapaho Tribe of the Wind River Reservation, Wyoming and Shoshone Tribe of the Wind River Reservation, Wyoming
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Cabazon Band of Mission Indians, California
- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Colville Reservation
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Nez Perce Tribe
- Ponca Tribe of Indians of Oklahoma
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Round Valley Indian Tribes, Round Valley Reservation, California
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- The Osage Nation
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Winnebago Tribe of Nebraska
- Yankton Sioux Tribe of South Dakota